

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TORRELL SAXON,

Petitioner,

— v. —

UNITED STATES OF AMERICA,

Respondent.

**ORDER**

12 Cr. 320 (ER)

RAMOS, D.J.:

On June 9, 2020, Torrell Saxon filed a *pro se* motion for compassionate release. Doc. 60.

On June 17, 2020, the Government opposed the motion. Doc. 62. On June 18, 2020, the Court denied the motion without prejudice for lack of exhaustion and instructed Saxon that if he refiled his motion after thirty days, he should attach proof that he exhausted his administrative remedies with the Bureau of Prisons (“BOP”). Doc. 63. On July 10, 2020, the Court received a letter from Saxon labeled “Reply to Government’s Response.” Doc. 64. In it, Saxon argues that the Court should waive the exhaustion requirement in his case because, although he has submitted forms to exhaust his administrative remedies with the BOP, they have not been formally filed due to personnel absences resulting from the Covid-19 pandemic and he has no proof of their submission. Doc. 64 at 1-2. Saxon also asserts that he “recently” (presumably before June 25, 2020, the date of his letter) wrote an e-mail to the Warden of his facility informing him of his requests for a sentence reduction. *Id.* at 1.

Though Saxon’s most recent submission is styled as a reply, because it arrives over thirty days after his original motion was filed, the Court will consider it a renewed motion for compassionate release. Furthermore, because it has been thirty days since his first request and

Saxon has otherwise been unable to exhaust his administrative remedies, the Court waives the exhaustion requirement in this case. *See 18 U.S.C. § 3582(c)(1)(A); United States v. Haney*, No. 19 Cr. 541 (JSR), 2020 WL 1821988, at \*4 (S.D.N.Y. Apr. 13, 2020) (“The Court therefore has the discretion to waive the exhaustion requirement where, as here, strict enforcement of the 30-day waiting period would not serve these Congressional objectives.”).

Accordingly, the Government is directed to respond to Saxon’s renewed motion, Doc. 64, by **July 17, 2020**.

Chambers will mail a copy of this Order to Torrell Saxon, #66770054, FCI Hazelton, P.O. Box 5000, Bruceton Mills, W.V. 26525

It is SO ORDERED.

Dated: July 13, 2020  
New York, New York



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EDGARDO RAMOS, U.S.D.J.